

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRADFORD TECHNOLOGIES, INC,

No. C 11-04621 EDL

Plaintiff,

**ORDER REGARDING MOTION TO  
SHORTEN TIME FOR DEFENDANTS'  
MOTION FOR ORDER TO SHOW  
CAUSE AND FOR SANCTIONS**

v.

NCV SOFTWARE.COM, et al.,

Defendants.

On October 15, 2012, Defendants Karma Technologies and John David Biggers filed a motion for an order to show cause and for sanctions against Plaintiff and Plaintiff's counsel, Roger Wintle. Docket No. 70. Defendants also filed a motion to shorten the time for hearing the show-cause and sanctions motion, requesting that the motion be heard on October 30, 2012. Docket No. 71. Plaintiff filed an opposition to the motion to shorten time. Docket No. 78. While the Court is mindful of the serious allegations of misconduct raised in the underlying motion, it appears that any harm and prejudice to Defendant – if the allegations are found to be true – may not be mitigable by hearing the motion on shortened time. In contrast, Plaintiff is in the process of obtaining new counsel and will be prejudiced by the condensed briefing schedule proposed by Defendant. Furthermore, given the severity of the sanctions requested, it is in the interests of justice to allow both sides sufficient time to develop their arguments and the Court to consider the most just result. Therefore, the hearing on the motion will be on November 20, 2012. Briefing will be in compliance with Local Rule 7-3.

The parties are Ordered to strictly comply with the terms of the Stipulated Protective Order governing this case, including the treatment of Highly Confidential materials. Additionally, Plaintiff's counsel shall immediately return the three source code disks in question to Defendant's

1 counsel, destroy any electronic or hard copies of the disks generated therefrom, and preserve all  
2 data, source code and documents derived in any way from the disks in question or the data contained  
3 on those disks. Depending on the Court's ruling on the motion, the Court may order the disks to be  
4 re-produced in the future. Both parties are Ordered to maintain in place an appropriate litigation  
5 hold on all documents related to the claims and counterclaims at issue in this lawsuit, including but  
6 not limited to their respective evaluations of the other side's source code.

7 The Case Management Conference currently set for October 30, 2012, is hereby VACATED.  
8 The Case Management Conference shall be conducted, along with the motion hearing, on November  
9 20, 2012.

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: October \_\_, 2012



ELIZABETH D. LAPORTE  
United States Magistrate Judge